

REMARKS

This is in full and timely response to the final Office Action mailed October 8, 2003 and the Advisory Action mailed February 5, 2004, is Supplemental to the Amendment filed January 8, 2004 (now entered), and is submitted concurrently with a Request for Continued Examination and a Petition for Extension of Time to within the first extended month. Entry of this amendment is respectfully requested. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

By this Amendment, claim 16 was amended to delete the term "etc." as noted in the Advisory Action. Claim 20 was amended to reinsert "substrate" at the end of the claim, as noted in the Advisory Action. No new matter was added. Applicants thank the examiner for his helpful comments. By this Amendment, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §112, second paragraph

Claims 16-29 were rejected under 35 U.S.C. §112, second paragraph for indefiniteness.

Applicants consider that the rejection should be withdrawn since appropriate changes have been made to the items pointed out by the Examiner. In the Advisory Action, the examiner alleges that

it is still not clear how an accuracy of the "base pattern" could be matched or compared to that of the overlying resist unless the intervening "base film" had also been patterned or etched through the resist film, but no such patterning or etching of the intervening "base film" has yet been claimed (this comparison still lacks antecedent basis)."

The examiner has ignored Applicants discussion as stated in the January 8, 2004 Amendment, in which it was discussed that in the specification "base film" refers to "a film for etching (a metal film, for example) and "base pattern" refers to "a pattern that has been etched in a previous step of an underneath layer." Applicants consider that the difference has become clear by defining "base pattern" as an underneath pattern and "base film" as a film formed on the underneath pattern that had not been etched, thus rejection under section 112 should be withdrawn.

The examiner is urged to review the above discussion. Additionally, Applicants note that "how an accuracy of the "base pattern" could be matched ...", that is, the method for measuring the accuracy of the base pattern, is not an element recited in the pending apparatus claims. Accordingly, the rejection is improper and should be withdrawn.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the prior art of record. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: February 9, 2004

Respectfully submitted,

By 

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicant(s) hereby petition for any needed extension of time.